S.B. CIVIL MISC. APPEAL NO. 185/2007
(Badri & anr. Vs. Rajmal & ors.)

DATED : 15th January 2007

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr.Mahendra Trivedi for the appellants.

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For awarding compensation on account of accidental death of Anil, said to be about 15 years in age, and working as milk-vendor and having passed eighth standard, the Tribunal has estimated his income at Rs.1,800/- per month and in view of the claimants being his parents, has taken loss of contribution at half of the estimated income at Rs.900/- per month leading to the multiplicand of Rs.10,800/- per annum; and with application of multiplier of 15 has assessed pecuniary loss at Rs.1,62,000/-; and allowing Rs.10,000/- towards non-pecuniary loss and Rs. 5,000/- towards funeral expenses, has assessed compensation payable to the claimants, parents of the victim, in the sum of Rs.1,77,000/- and has also awarded interest at the rate of 6% per annum from the date of filing of the claim application.

The estimate put by the Tribunal and the amount allowed as compensation cannot be said to be grossly inadequate. The deceased was an unmarried person in 15

years of age said to be working as milk-vendor. No definite proof of his income has been adduced and in view of the age of the deceased, if he be taken as non-earning person, then too, loss of contribution for the parents at Rs.10,800/- per annum cannot be said to be an estimate on the lower side. The Tribunal has estimated his earning at Rs. 1,800/- per month and for the purpose of the parents, has taken one-half of his estimated income towards loss of contribution. Estimate made by the Tribunal in this manner is also not inadequate or inappropriate. Application of multiplier of 15 is also not incorrect in view of the age of the deceased at 15 years and that of the claimants in the range of 40-45 years. The ultimate award made by the Tribunal in the sum of Rs.1,77,000/- cannot be said to be too low or inadequate.

In the aforesaid view of the matter, there appears no scope for enhancement over the amount awarded by the Tribunal and this appeal by the claimants does not merit admission.

The appeal fails and is, therefore, dismissed summarily.

[DINESH MAHESHWARI], J.